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SUITE 2022
BOCA RATON FL 33487

MAILED
MAY 31 2011
OFFICE OF PETITIONS

In re Application of :
Bradford Austin Fisher et al. :
Application No. 10/672,777 : DECISION ON PETITION
Filed: August 27, 2004 :
Attorney Docket No. RSW920030123US1 (111) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to take appropriate action in a timely manner after the decision on request for rehearing of December 23, 2010 by the Board of Patent Appeals and Interferences. Therefore, the proceedings as to the rejected claims were terminated. *See* 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on February 24, 2011. *See* MPEP 1214.06. A Notice of Abandonment was mailed on March 24, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an RCE, with the required fee of \$810, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2443 for appropriate action by the Examiner in the normal course of business on the reply received May 2, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions